



Steven W. Troxler  
Commissioner

North Carolina Department of Agriculture  
and Consumer Services  
*Veterinary Division*

R. Douglas Meckes, DVM  
State Veterinarian

March 30, 2017

William Clark  
Columbus County Manager  
111 Washington Street  
Whiteville, North Carolina 28472  
Via Hand Delivery

**Notice of Warning**

**Re: Violation of Title 02 N. C. Administrative Code ("NCAC") Chapter 52J, Section .0101(1 and 2) and .0201(k).**

**AWS-WL-2017-3**

Animal Shelter: Columbus County Animal Shelter  
Registration No. 2

Dear County Manager Clark:

The Animal Welfare Section ("AWS") of the Veterinary Division of the N. C. Department of Agriculture and Consumer Services ("NCDA&CS") received a complaint concerning the Columbus County Animal Shelter ("the shelter"). Based on the information within this complaint, AWS opened an investigation. The investigation included a site visit, interviews with shelter staff and review of shelter records. The facility inspection revealed a cat named Gizmo was taken into the shelter on February 7, 2017 for transportation to a spay/neuter clinic. Gizmo was housed in the shelter overnight and transported to the clinic on February 8, 2017 by shelter staff. Gizmo was picked up from the clinic by shelter staff on February 8, 2017. Gizmo escaped from his carrier and is still missing. The shelter does not have an intake record for Gizmo.

Based on the results of this investigation, the shelter appears to have violated the following regulations:

- 1) 02 NCAC 52J .0101(1 and 2); and
- 2) NCAC 52J .0201(k).

Pursuant to N. C. General Statute §19A-30, this Warning Letter, in conjunction with the enclosed Inspection Report, serves as written notice indicating in which respects the shelter has failed to satisfy the requirements for the holding of a certificate of registration as an animal shelter.

The Shelter Director in conversation with AWS on March 13, 2017 relayed that the shelter is no longer receiving animals for transportation to the spay/neuter clinic for citizens. AWS re-iterated that any dog or

cat admitted to and/or housed at the shelter for any reason is subject to the NC Animal Welfare Act and the rules promulgated pursuant thereto. During this conversation, the Shelter Director indicated his understanding and willingness to comply.

Continued or future violation of these statutes or regulations will be considered a willful disregard or violation of the N. C. Animal Welfare Act and the rules issued pursuant thereto. Such willful disregard or violation of the N.C. Animal Welfare Act and the rules issued pursuant thereto may result in disciplinary action against your facility's license pursuant to N. C. General Statute §19A-30 and/or the assessment of a civil penalty of up to \$5,000.00 per violation under N. C. General Statute §19A-40.

Your immediate attention to this matter is appreciated.

Sincerely,



Patricia Norris, DVM, MS  
Director of Animal Welfare Section  
Veterinary Division

cc: Dr. R. Douglas Meckes, State Veterinarian  
Joe Reardon, Assistant Commissioner, NCDA&CS  
Tina Hlabse, General Counsel, NCDA&CS  
Christopher R. McLennan, Assistant Attorney General

## Appendix

### REFERENCED STATUTES AND REGULATIONS

#### § 19A-30. Refusal, suspension or revocation of certificate or license.

The Director may refuse to issue or renew or may suspend or revoke a certificate of registration for any animal shelter or a license for any public auction, kennel, pet shop, or dealer, if after an impartial investigation as provided in this Article he determines that any one or more of the following grounds apply:

- (1) Material misstatement in the application for the original certificate of registration or license or in the application for any renewal under this Article;
- (2) Willful disregard or violation of this Article or any rules issued pursuant thereto;
- (3) Failure to provide adequate housing facilities and/or primary enclosures for the purposes of this Article, or if the feeding, watering, sanitizing and housing practices at the animal shelter, public auction, pet shop, or kennel are not consistent with the intent of this Article or the rules adopted under this Article;
- (4) Allowing one's license under this Article to be used by an unlicensed person;
- (5) Conviction of any crime an essential element of which is misstatement, fraud, or dishonesty, or conviction of any felony;
- (6) Making substantial misrepresentations or false promises of a character likely to influence, persuade, or induce in connection with the business of a public auction, commercial kennel, pet shop, or dealer;
- (7) Pursuing a continued course of misrepresentation of or making false promises through advertising, salesmen, agents, or otherwise in connection with the business to be licensed;
- (8) Failure to possess the necessary qualifications or to meet the requirements of this Article for the issuance or holding of a certificate of registration or license.

The Director shall, before refusing to issue or renew and before suspension or revocation of a certificate of registration or a license, give to the applicant or holder thereof a written notice containing a statement indicating in what respects the applicant or holder has failed to satisfy the requirements for the holding of a certificate of registration or a license. If a certificate of registration or a license is suspended or revoked under the provisions hereof, the holder shall have five days from such suspension or revocation to surrender all certificates of registration or licenses issued thereunder to the Director or his authorized representative.

A person to whom a certificate of registration or a license is denied, suspended, or revoked by the Director may contest the action by filing a petition under G.S. 150B-23 within five days after the denial, suspension, or revocation.

Any licensee whose license is revoked under the provisions of this Article shall not be eligible to apply for a new license hereunder until one year has elapsed from the date of the order revoking said license or if an appeal is taken from said order of revocation, one year from the date of the order or final judgment sustaining said revocation. Any person who has been an officer, agent, or employee of a licensee whose license has been revoked or suspended and who is responsible for or participated in the violation upon which the order of suspension or revocation was based, shall not be licensed within the period during which the order of suspension or revocation is in effect. (1977, 2nd Sess., c. 1217, s. 11; 1987, c. 827, s. 67.)

#### § 19A-40. Civil Penalties.

The Director may assess a civil penalty of not more than five thousand dollars (\$5,000) against any person who violates a provision of this Article or any rule promulgated thereunder. In determining the amount of the penalty, the Director shall consider the degree and extent of harm caused by the violation. The clear proceeds of civil penalties assessed pursuant to this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2. (1995, c. 516, s. 6; 1998-215, s. 3.)

#### 02 NCAC 52J .0101 RECORDS; ANIMAL SHELTERS, ETC.

Operators of all animal shelters, pet shops, public auctions, and dealers shall maintain records on all dogs and cats showing the following:

- (1) origin of animals (including names and addresses of consignors) and date animals were received;
- (2) description of animals including species, age, sex, breed, and color markings;

*History Note:* Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. January 1, 2005; April 1, 1985.

#### 02 NCAC 52J .0201 GENERAL

(k) All animals in a facility are subject to the requirements of the Animal Welfare Act, regardless of ownership.

*History Note:* Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. January 1, 2005.